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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,576	10/11/2005	Frederic Bellott	016906-0395	3391
22428 7590 01/08/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
ROSATI, BRANDON MICHAEL				
ART UNIT		PAPER NUMBER		
4114				
MAIL DATE		DELIVERY MODE		
01/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,576

Applicant(s)

BELLOTT ET AL.

Examiner

BRANDON M. ROSATI

Art Unit

4114

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 5/11/2005

DETAILED ACTION

~~1.~~ This action is in response to the preliminary amendment filed on 5/11/2005, claims 1-6 are pending.

Information Disclosure Statement

~~1.~~ The information disclosure statement filed 5/11/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. DE 19815584 A1 and FR 2822530 A1 have been placed in the application file, but the information referred to therein has not been considered.

Specification

~~2.~~ The disclosure is objected to because of the following informalities: On page 1, line 16, the examiner is having difficulty locating the reference as cited and the examiner requests that this reference, referred to as 101 54 891.5 in the specification, be submitted through an IDS statement. Furthermore, the term "patent claim 1," on page 2, lines 10-11 of the specification should clearly recite all the structural elements regarding to claim 1 therein, so as to clarify the confusion.

3. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (U.S. Patent No. 5,949,940) in view of Kaspar et al. (U.S. Patent No. 6,851,468 B2).

Regarding claims 1 and 2, Inoue discloses in Figure 3A, a block of tube (i.e. flat tubes) (5), ribs (i.e. fins) (6), collecting tubes (i.e. header tanks) (3 and 4) arranged on both sides, the collecting tubes having a base (i.e. insertion plate) (49), accommodating the ends of the tubes, and a cover (i.e. tank plate (47), a collector (i.e. receiver tank) (2), fluidly connected to the collecting tube by openings (i.e. communicating passages) (35 and 36) (Column 3, lines 49-67, Column 5, lines 51-67, Column 7, lines 44-53 and Column 8, lines 13-37) (as per claim 1) and the cover (i.e. tank plate) (47) connected (by caulking) to the base (i.e. insertion plate) (49) (Column 7, lines 44-53). However, Inoue does not disclose a condenser, in particular for a motor vehicle and the collecting tube being composed of a tube and a short profile piece, with the short profile piece having a cover (as per claim 1). However, Kaspar et al. discloses a condenser, in particular for a motor vehicle (Column 1, lines 16-24) and a collector (i.e. collection tube) (3) being composed of a tube portion (5) and short tube piece (6) (Column 3, lines 41-65). Hence it would have been obvious to one of ordinary skill, at the time the invention was made, to modify the teachings of Inoue with the condenser for a motor vehicle and collection tube of Kaspar et al. because this would allow for the collector to function more efficiently and using these features in a motor vehicle condenser would also increase the efficiency of the condenser and thus increase heat transfer.

Regarding claim 3, by modifying the cover of the collection tube as shown in Figure 3A of Inoue with the collection tube comprising a tube and short profile piece of Kaspar et al. as shown in Figure 1, one of ordinary skill would recognize that these combined teachings would produce a first cover part and a second cover part, because they are two separate regions which would require two separate covers in order for each to function properly.

Regarding claim 4, Inoue discloses a first cover part (i.e. tank plate) (47) with two longitudinal edges (i.e. portion for caulking) (48), which engage the base (i.e. insertion plate) (49) (Column 7, lines 44-66).

Regarding claim 6, by modifying the cover of the collection tube as shown in Figure 3A of Inoue with the collection tube comprising a tube and short profile piece of Kaspar et al. as shown in Figure 1, one of ordinary skill would recognize that these combined teachings would produce a first cover part and a second cover part and where these two covers meet, would for a step. This step can be seen in Figure 1 of Kaspar et al.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (U.S. Patent No. 5,949,940) in view of Kaspar et al. (U.S. Patent No. 6,851,468 B2) and in further view of Burk et al. (U.S. Patent No. 5,537,839).

Regarding claim 5, the combined teachings of Inoue and Kaspar et al. discloses all the claimed limitations except a lip arranged parallel to the longitudinal edge, so as to form a groove to accommodate the base. However, Burk et al. discloses in Figure 9, a groove (i.e. receiving slot) (55) to accommodate the base.). Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Inoue and Kaspar et al. with the groove of Burk et al. in order to ensure a better, more stable connection and thus prevent leakage.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heraud (U.S. Patent No. 5,505,253) discusses a condenser for an automobile air conditioner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON M. ROSATI whose telephone number is (571)270-3536. The examiner can normally be reached on Monday-Friday 8:00am- 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on (571)-272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BMR
1/4/08

/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 4114